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10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

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13 UNITED STATES OF AMERICA,  
14 Plaintiff,  
15 vs.  
16 FRANK CHAVEZ,  
17 Defendant.

18 **2:15-cr-00035-RFB-CWH**

19 **STIPULATION TO CONTINUE**  
**DEADLINE FOR POST-HEARING**  
**SUPPLEMENTAL BRIEFS**

20 (First Request)

21 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United  
22 States Attorney, and Alexandra Michael, Assistant United States Attorney, counsel for the United  
23 States of America, and Shari L. Kaufman., counsel for Defendant Frank Chavez, that the deadline  
24 for Post-Hearing Supplemental Briefs, currently set for May 12, 2015, be vacated and continued for  
3 days, until May 15, 2015, or to a date to be set at the Court's convenience.

25 This stipulation is entered into for the following reasons:

26 1. Government counsel requires additional time to prepare a post-hearing supplemental  
27 brief.

28 2. The Defendant is in custody and does not object to the continuance.

29 3. For the reasons stated above, the ends of justice would best be served by a continuance of  
the brief deadline.

30 4. Additionally, denial of this request for continuance could result in a miscarriage of

justice.

5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

6. This is the first request for a continuance filed herein.

DATED this 12th day of May, 2015.

DANIEL G. BOGDEN  
United States Attorney

/s/ Shari Kaufman  
Shari Kaufman, AFD  
Counsel for Defendant Frank Chavez

/s/ Alexandra Michael  
ALEXANDRA MICHAEL  
Assistant United States Attorney

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2                   **UNITED STATES DISTRICT COURT**  
3                   **DISTRICT OF NEVADA**

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5                   UNITED STATES OF AMERICA,

6                   Plaintiff,

7                   vs.

8                   FRANK CHAVEZ,

9                   Defendant.

10                  2:15-cr-00035-RFB-CWH

11                  FINDINGS OF FACT, CONCLUSIONS  
12                  OF LAW, AND ORDER

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**FINDINGS OF FACT**

14                  Based upon the pending Stipulation of counsel, and good cause appearing therefore, the  
15                  Court finds that:

16                  1. Government counsel requires additional time to prepare a post-hearing supplemental  
17                  brief.

18                  2. The Defendant is in custody and does not object to the continuance.

19                  3. For the reasons stated above, the ends of justice would best be served by a continuance of  
20                  the brief deadline.

21                  4. Additionally, denial of this request for continuance could result in a miscarriage of  
22                  justice.

23                  5. The additional time requested by this Stipulation is excludable in computing the time  
24                  within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18,  
United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

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**CONCLUSIONS OF LAW**

26                  The ends of justice served by granting said continuance outweigh the best interest of the  
27                  public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely

1 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity  
2 within which to be able to effectively and thoroughly prepare for trial, taking into account the  
3 exercise of due diligence.

4 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United  
5 States Code, Sections 3161(h)(1)(A), (h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv).

6 **ORDER**

7 IT IS THEREFORE ORDERED that the deadline for Post-Hearing Supplemental Briefs,  
8 currently scheduled for May 12, 2015, be vacated and continued to the 15th day of  
9 May, 2015.

10 DATED this 12th day of May, 2015.

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HONORABLE RICHARD F. BOULWARE, II  
14 UNITED STATES DISTRICT JUDGE  
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